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Agenda item 10
Technical assistance and capacity-building

Belgium,* Cyprus,* Czech Republic,* Denmark,* France, Germany, Ireland, Japan, Poland,* United Kingdom of Great Britain and Northern Ireland: draft resolution

30/... Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling further Council resolution 24/32 of 20 September 2013 and other relevant resolutions,

Bearing in mind the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,[1]

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Taking note of the new developments in Cambodia, especially the achievements and improvements in social, economic, political and cultural fields over recent years through its relevant national plans, strategies and frameworks,

* Non-member State of the Human Rights Council.
[1] A/HRC/24/32.

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1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers, including the delivery of the Trial Chamber's verdict in case 002/01 against former senior leaders of Democratic Kampuchea, Nuon Chea and Khieu Samphan, who were found guilty of crimes against humanity and sentenced to life imprisonment on 7 August 2014, and the commencement of the trial hearings in case 002/02 on 17 October 2014, and supports the position of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Expresses continued concern* over the grave financial situation of the Extraordinary Chambers, urges the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, stresses the need for the Government and the international community to provide all appropriate assistance to the Extraordinary Chambers, and also stresses the importance of efficient and sustainable management of financial resources, free from interference, by the Extraordinary Chambers;

4. *Welcomes* the positive engagement of the Government of Cambodia in the second universal periodic review process as well as its acceptance of most of the recommendations thereon and the progress so far on their implementation;

5. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Cambodia[2] and the recommendations contained therein, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the United Nations High Commissioner for Human Rights and the Government, and encourages the Special Rapporteur and the field office of the Office of the High Commissioner in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;

6. *Reaffirms* the need for the Government of Cambodia to strengthen efforts to consolidate the rule of law, including through the adoption and further implementation of essential laws and codes for establishing a democratic society and an independent judiciary;

7. *Notes* the efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Council of Legal and Judicial Reform, including enforcing basic laws, such as the civil procedure code, the civil code, the criminal procedure code and the penal code;

8. *Also notes* the enactment of three fundamental laws on the judiciary, namely the Law on the Statute of Judges and Prosecutors, the Law on the Organization and Functioning of the Courts, and the amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy, and urges the Government of Cambodia to continue further its efforts at judicial reform, including through the fair, effective and transparent application of these laws and the transfer of knowledge of court officials and the sharing of good practices at the Extraordinary Chambers;

[2] A/HRC/27/70 and A/HRC/30/●.

9. *Stresses* the need for the Government of Cambodia to continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights;

10. *Welcomes* the efforts made by the Government of Cambodia in combating corruption, and encourage the implementation of the penal code and the anti-corruption law, and encourages the Government to continue other such efforts, including through the activities of the anti-corruption unit;

11. *Also welcomes* the efforts made by the Government of Cambodia in combating crimes, such as trafficking in persons, the exploitation of labour and the sexual exploitation of women and children, and urges the Government to make further efforts to this end, in concert with the international community, to combat outstanding key problems in this area;

12. *Takes note* of the latest findings regarding gender-based issues in Cambodia, and encourages the Government of Cambodia to strengthen its efforts on gender-based issues, including by effectively enforcing existing laws and regulations;

13. *Encourages* the Government of Cambodia to implement its five-year strategy for gender equality, promoting women's economic, social and political empowerment, including their participation in decision-making processes, and the expansion of women,s economic benefits through improved working conditions, social protection and labour standards;

14. *Encourages* in this context the Government of Cambodia to monitor the implementation of the Land Law, including regarding specific obstacles to women and vulnerable groups in obtaining land ownership and rights;

15. *Notes* the efforts made by the Government of Cambodia to resolve land issues, inter alia, through the implementation of relevant laws and regulations including a moratorium on economic land concessions, expresses concern at the outstanding issues in this area, and urges the Government to continue and enhance its efforts to resolve them equitably and expeditiously in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations such as the 2001 Land law, the Law on Expropriation, the Circular on the Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, as well as by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution and cadastral committees at the national, provincial and district levels;

16. *Also welcomes* the commitments made and the progress achieved by the Government of Cambodia to implement its obligations under international human rights treaties and conventions to which it is a party, with regard to its commitment to establish a national human rights institution and to encourage that this be done upon sufficient consultation with relevant stakeholders; and urges the Government to continue to take steps to meet its obligations under those treaties and conventions to which it is a party, and to this end to strengthen its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

17. *Further welcomes* the efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

18. *Welcomes* the efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

19. *Notes* the agreement between the ruling and opposition parties on 22 July 2014, which led to the participation of the opposition party in the National Assembly and to their close collaboration in the electoral reform, especially the revision of the legal status of the electoral management body and the composition of its commissioners, as well as the review of the electoral process, including voter registration, through the amendment to the Constitution and the adoption of the Law on the Organization and Functioning of the National Election Committee and the Law on the Election of Members of the National Assembly, as well as the joint announcement between ruling and opposition parties on 16 September concerning the electoral reform, and urges the Government of Cambodia to make continuous efforts to promote an environment conducive to the conduct of legitimate political activities by all political parties, and to make further efforts to improve its electoral system in accordance with international standards so that its election process as a whole will be satisfactory and acceptable to all parties concerned;

20. *Stresses* the need for further progress and efforts by the Government of Cambodia to promote a pluralistic and democratic process in Cambodia through parliamentary debate according to the Constitution;

21. *Urges* the Government of Cambodia to take appropriate measures to encourage and enable civil society, including independent trade unions and the media, to play a constructive role in consolidating democratic development in Cambodia, including by ensuring and promoting their activities and in promoting equal access to the media by all parties;

22. *Notes with concern* the potential negative impact on civil society space of the recently adopted Law on Associations and Non-Governmental Organizations, and calls upon the Government of Cambodia to implement the law in a fair, transparent and democratic manner, including a review and, if necessary, a revision of the law, to protect the rights to freedom of association and of expression in accordance with international human rights law, and to ensure meaningful and transparent consultation with civil society stakeholders on draft legislation affecting them;

23. *Encourages* the Government of Cambodia to continue to take action to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, and to this end to ensure that relevant laws, inter alia, the penal code, are interpreted and applied in a judicious manner so as to promote economic, social and cultural rights, in accordance with the rule of law;

24. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including civil society, to continue to work with the Government of Cambodia in strengthening democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in, inter alia, the fields of:

(*a*) Drafting laws and assisting the establishment of an independent national human rights institution;

(*b*) Capacity-building to strengthen legal institutions, including by improving the quality and independence of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(*c*) Capacity-building to strengthen national institutions for criminal investigations and law enforcement, as well as providing the equipment necessary for these ends;

(*d*) Implementation of accepted universal periodic review recommendations;

(*e*) Assisting the assessment of progress in human rights issues;

25. *Decides* to extend by two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Council at its thirty-third and thirty-sixth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

26. *Requests* the Secretary-General to report to the Human Rights Council at its thirty-third and thirty-sixth sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

27. *Decides* to continue its consideration of the situation of human rights in Cambodia at its thirty-sixth session.